



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	
EARL P. ENGEL, R.N. :	ADMINISTRATIVE ACTION
License No. 26NR09508400 :	
TO PRACTICE NURSING IN THE STATE :	FINAL ORDER OF
OF NEW JERSEY :	DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Earl P. Engel ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on October 6, 2011 by the New Jersey State Police in Holmdel for Lewdness, N.J.S.A. 2C:14-4(a), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in North Brunswick, New Jersey, via regular and certified mail on or about October 31, 2011. A response was due within ten

(10) days. The regular mailing was not returned; the certified mailing was signed on November 12, 2011 and returned.

3. On or about November 14, 2011, the Board received a letter from John G. Koufos, Esq., written on behalf of Respondent. Mr. Koufos advised that the matter was scheduled to be heard in Wall Township Municipal Court on November 30, 2011, and that he had not yet received a copy of the complaint or discovery.

4. By letter dated January 10, 2012, Mr. Koufos advised the Board that Respondent was found guilty of Lewdness and provided documents indicating that Respondent was fined \$1,006.00 plus costs. Mr. Koufos also provided a copy of a performance evaluation from Respondent's place of employment.

5. On or about March 18, 2012, via facsimile, the Board advised Respondent, through his attorney, Mr. Koufos, that he had not provided an explanation as to the exact nature of the crime.

6. As of April 27, 2012, Respondent had not provided a copy of the criminal complaint, the police report, or a narrative statement explaining the circumstances that led to his arrest.

#### **CONCLUSIONS OF LAW**

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, and in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 27, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent timely responded to the Provisional Order of Discipline, through his attorney, by providing all of the information requested, including an account of the circumstances that led to his arrest.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material

discrepancies had been raised regarding Respondent's failure to cooperate. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 25<sup>th</sup> day of June, 2012,

ORDERED that:

1. A civil penalty in the amount of two hundred dollars (\$200) is imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*  
Patricia Murphy, PhD, APN  
Board President